

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ISLAM, Khaledul M.; HOSSAIN, Asif
Serial No.: 10/533,957
Filed: May 4, 2005
Title: METHOD AND APPARATUS FOR PACKET DATA SERVICE
DISCOVERY
Group: 2419
Examiner: Gregory B. Sefcheck
Attorney Ref.: PAT 800W-2 US

December 23, 2009

Mail Stop Issue Fee
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia
22314-1450
U.S.A.

Dear Sir:

Request for Reconsideration of PTA Under 36 CFR 1.705(b)

Applicants request reconsideration of the patent term adjustment under 37 CFR 1.705(b).

In support of this request:

(1) The Commissioner is hereby authorized to charge the fee set forth in § 1.18(e) to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP; and

(2)

(i) Applicants submit that the correct patent term adjustment should be 1054 days taking into account both U.S.P.T.O delays and Applicant-derived delays. The bases under § 1.702 for the adjustment are that there was a failure by the U.S.P.T.O to take certain actions within specified time frames (§ 1.702(a)) and there was a failure to issue a patent within three years of the actual filing date of the application (§ 1.702(b)).

(ii) The relevant dates as specified in §§ 1.703(a)-(e) for which an adjustment is sought are:

delay under § **1.703(a)(1)**: July 4, 2006 to February 20, 2008 = **596 days**;

delay under § **1.703(b)** which does not include the time period from August 5, 2009 to April 24, 2010 as stipulated under § **1.703(b)(1)**: May 4, 2008 to August 5, 2009 = **458 days** (assuming the patent is issued by April 24, 2010); and

there are no relevant dates under § **1.703(a)(6)** or §§ **1.703(b)(2)-(e)** for which an adjustment is sought.

The total adjustment, as specified in § 1.703(f), to which the patent is entitled, is **1054 days**, which is the sum of the above periods.

(iii) The patent is not subject to a terminal disclaimer.

(iv) There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application, as set forth in § 1.704.

The Commissioner is hereby authorized to debit \$200.00 from Deposit Account Number 501593, in the name of Borden Ladner Gervais LLP, and to charge any additional fees, and credit any over payments.

Respectfully submitted,
Khaledul M. ISLAM

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